

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

The Orange Rabbit, Inc.,

Plaintiff,

v.

Franchoice, Inc. et al,

Defendant.

Case No. 19-cv-687 MJD/ECW

ORDER

Based upon the Findings of Fact, Conclusions of Law, and
Recommendation by United States Magistrate Judge Elizabeth Cowan Wright
dated April 26, 2019, all the files and records, and no objections having been filed
to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Pursuant
to Rules 12(b)(6) and 9(b) (Dkt. No. 7) is **DENIED AS MOOT**.

DATED: May 21, 2019

s/ Michael J. Davis

MICHAEL J. DAVIS

United States District Court